



## FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE  
WASHINGTON, DC 20301-1155

September 24, 2008

The Honorable Sean Parnell  
Lieutenant Governor  
P.O. Box 110017  
Juneau, AK 99811-0017

Dear Lieutenant Governor Parnell,

I would like to thank you for the work you and the state of Alaska have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alaska's existing election code and procedures, I have identified six initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 37,166 Uniformed Services members, an estimated 27,000 family members and approximately 8,000 overseas citizens that claim Alaska as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alaska's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, reading "J. Scott Wiedmann", is positioned above the printed name.

J. Scott Wiedmann  
Deputy Director

Enclosure:  
2008 Legislative Initiatives and Suggested Wording

## **Alaska 2009 Legislative Initiatives and Sample Language**

### **The Need for 45-Day Ballot Transit Time**

The most persistent problem which continues to face Alaska military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

### **Sample Language**

*For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.*

### **Emergency Authority for Chief Election Official**

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eighteen states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

### **Sample Language**

*If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve*

*components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.*

*The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.*

### **Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code**

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that *UOCAVA* be referenced in appropriate sections of the state election code. Thirty-seven states now reference the *UOCAVA* in their election code.

#### **Sample Language**

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

*It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).*

### **Enfranchise Citizens Who Have Never Resided in the U.S.**

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

#### **Sample Language**

*If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.*

### **Elimination of Witness/Notary Requirement**

Alaska requires that the signature on the voter's certificate on the ballot return envelope be witnessed, and signed and dated by the witness. We recommend that **Alaska eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot.

#### **Sample Language**

*If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.*

### **Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion**

We recommend that **Alaska accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark**. Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

#### **Sample Language**

*If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.*